

**BEFORE THE ARIZONA STATE  
BOARD OF TECHNICAL REGISTRATION**

<p><b>In the Matter of:</b></p> <p><b>Adam Huff Engineer Registration No. 68082</b></p> <p style="text-align: center;"><b>Respondent</b></p>	<p style="text-align: center;"><b>Case No. P21-010</b></p> <p style="text-align: center;"><b>CONSENT AGREEMENT and ORDER OF DISCIPLINE</b></p>
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In the interest of a prompt and judicious resolution of the above-captioned matter before the Arizona State Board of Technical Registration (“Board”) and consistent with the public interest, statutory requirements, and the responsibilities of the Board, and pursuant to A.R.S. § 32-101 et seq., and A.A.C. R4-30-120(G), the undersigned party, Adam Huff (“Respondent”), holder of Registration No. 68082, and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law and Order (“Consent Agreement”) as a final disposition of this matter.

**RECITALS**

1. Respondent has read and understands this Consent Agreement and has had the opportunity to discuss this Consent Agreement with an attorney, or has waived the opportunity to discuss this Consent Agreement with an attorney.
2. Respondent understands that he has a right to a public administrative hearing concerning this case. He further acknowledges that at such formal hearing he could present evidence and cross-examine witnesses. By entering into this Consent Agreement, Respondent knowingly, voluntarily, and irrevocably waives his right to such an administrative hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or any other administrative and/or judicial action concerning the matters set forth herein.
3. Respondent affirmatively agrees that this Consent Agreement shall be irrevocable.

1           4.       Respondent understands that this Consent Agreement or any part of the agreement  
2 may be considered in any future disciplinary action by the Board against him.

3           5.       The Consent Agreement, any record prepared in this matter, all investigative  
4 materials prepared or received by the Board and all related exhibits and materials, are public  
5 records (as defined in A.R.S. § 41-158.18) upon acceptance by the Board of this Consent  
6 Agreement and may be retained in the Board's files pertaining to this matter.

7           6.       Respondent understands this Consent Agreement deals with Board case number  
8 P21-010 involving allegations that Respondent engaged in conduct that would subject him to  
9 discipline under the Board's statutes and rules. The investigation into these allegations against  
10 Respondent shall be concluded upon the Board's adoption of this Consent Agreement.

11          7.       Respondent understands that this Consent Agreement does not constitute a  
12 dismissal or resolution of any other matters currently pending before the Board, if any, and does  
13 not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction  
14 regarding any other pending or future investigation, action or proceeding.

15          8.       Respondent also understands that acceptance of this Consent Agreement does not  
16 preclude any other agency, subdivision, or officer of this State from instituting any other civil or  
17 criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

18          9.       Respondent acknowledges and agrees that, upon signing this Consent Agreement  
19 and returning this document to the Board's Executive Director, he may not revoke his acceptance  
20 of the Consent Agreement or make any modifications to the document regardless of whether the  
21 Consent Agreement has been signed on behalf of the Board. Any modification to this original  
22 document is ineffective and void unless mutually agreed by the parties in writing.

23          10.       This Consent Agreement is subject to the approval of the Board and is effective  
24 only when accepted by the Board and signed on behalf of the Board. If the Board does not accept  
25 this Consent Agreement, the Board retains its authority to hold a formal administrative hearing  
26 pursuant to A.R.S. § 32-128(E). In the event that the Board does not approve this Consent  
27 Agreement, it is withdrawn and shall be of no evidentiary value and shall not be relied upon nor  
28 introduced in any action by any party, except that the parties agree that should the Board reject

1 this Consent Agreement and this case proceeds to hearing, Respondent shall assert no claim that  
2 the Board was prejudiced by its review and discussion of this document or any records relating  
3 thereto.

4 11. If a court of competent jurisdiction rules that any part of this Consent Agreement is  
5 void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full  
6 force and effect.

7 12. Respondent understands that any violation of this Consent Agreement may result in  
8 disciplinary action, including suspension or revocation of the registration under A.R.S. § 32-150.

9 13. Respondent agrees that the Board will adopt the following Findings of Fact,  
10 Conclusions of Law and Order.

### 11 FINDINGS OF FACT

12 1. The Board is the duly constituted authority for the regulation and control of the  
13 practice of Professional Engineering in the State of Arizona.

14 2. Respondent is the holder of Arizona Professional Engineer Registration No. 68082.

15 3. On August 6, 2020 the Board received a complaint alleging that Respondent's  
16 engineering design of retaining walls on the South Residence project located at 4955 W. Braided  
17 Rein in Flagstaff, Arizona, on or about April 2, 2019 resulted in the over-stressed and structurally  
18 unsound condition of the walls.

19 4. On May 6, 2021 an Enforcement Advisory Committee was convened to review the  
20 complaint. After interviewing the Allegor and Respondent, Committee members determined that  
21 Respondent's "after the fact remediation" on this project was deficient, noting specifically that  
22 Respondent participated in remediation efforts on a project based on calculations provided by  
23 others, and did not make a site visit to verify the "as-built" conditions. The Committee found that  
24 Respondent's failure to verify the "as-built" conditions on a project of this scale is a significant  
25 safety concern for the public and constitutes a violation of the Board's statutes, in that  
26 Respondent failed to apply the appropriate technical knowledge and skill while practicing a  
27 Board regulated profession. Committee members further assigned the highest severity rating to  
28 this violation, noting the seriousness of Respondent's actions in this case.

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**CONCLUSIONS OF LAW**

1. The Board has jurisdiction in this matter pursuant to A.R.S. § 32-101, et seq.

2. The conduct alleged in the Findings of Fact constitutes grounds for discipline pursuant to A.R.S. § 32-128(C)(4) as it relates to A.A.C. R4-30-301(6), in that Respondent failed to apply the appropriate technical knowledge and skill in the practice of Board regulated profession.

**ORDER**

Based on the foregoing Findings of Fact and Conclusions of Law, the Board issues the following Order:

1. LETTER OF REPRIMAND. Respondent is hereby issued a Letter of Reprimand.

2. STAYED SUSPENSION AND PROBATION. Respondent's registration as an Engineer, No. 68082, shall be suspended for twelve (12) months; however, the suspension is stayed for as long as Respondent remains in compliance with this Order. During the stay of suspension, Respondent's registration as a Professional Engineer is placed on probation for twelve (12) months. If Respondent is non-compliant with any terms of this Order during the stayed suspension and probation period, the stay of the suspension shall be lifted and Respondent's registration as a Professional Engineer shall be automatically suspended without a formal hearing, and remain suspended until Respondent is compliant with all terms of this Order.

3. RESTITUTION. Within ninety (90) days from the effective date of this order, Respondent shall pay restitution in the amount of Fifteen Hundred Dollars (\$1,500.00) by certified check or money order made payable to Dean and Brenda South.

4. REMEDIAL EDUCATION. Within ninety (90) days from the effective date of this order, Respondent shall provide proof to the Board that he has successfully completed an education course relating to professional business ethics.

5. ADMINISTRATIVE PENALTY. Within sixty (60) days from the effective date of this Consent Agreement, Respondent shall pay an administrative penalty of Two Thousand Dollars (\$2,000.00) by certified check or money order made payable to the State of

1 Arizona Board of Technical Registration.

2 6. COST OF INVESTIGATION. Within thirty (30) days from the effective date of  
3 this Consent Agreement, Respondent shall pay the cost of investigation of this case to the Board  
4 in the amount of Two Hundred Ninety-Eight Dollars (\$298.00) by certified check or money order  
5 made payable to the State of Arizona Board of Technical Registration, according to the  
6 provisions of A.R.S. § 32-128(H).

7 7. OBEY ALL LAWS. During the probationary period, Respondent shall obey all  
8 federal, state and local laws, as well as, all rules governing the practice of Engineering in the  
9 State of Arizona. The Board shall consider any violation of this paragraph to be a separate  
10 violation of the rules and statutes governing the Arizona Board of Technical Registration. The  
11 Board may also consider Respondent's non-compliance with this Order as a separate violation of  
12 A.R.S. § 32-150.


13 8. RENEWAL OF REGISTRATION. Respondent shall timely renew his Arizona  
14 registration as an Engineer, and timely pay all required registration fees.

15 9. EFFECTIVE DATE. The effective date of this Consent Agreement is the date the  
16 Respondent and Board sign the Consent Agreement. If the dates are different, the effective date is  
17 the later of the two dates.

18 10. COSTS OF COMPLIANCE. Respondent shall pay all costs associated with  
19 complying with this Consent Agreement.

20 11. NONCOMPLIANCE. If Respondent violates this Order in any way or fails to  
21 fulfill the requirements of this Order, the Board, after giving notice and the opportunity to be  
22 heard, may revoke, suspend or take other disciplinary actions against the registration. The issue  
23 at such a hearing will be limited solely to whether this Order has been violated.  
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1 ACCEPTED and ORDERED this 22 day of June, 2021.

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4 Carmen Wyckoff, R.A., Chairperson  
5 Arizona State Board of  
6 Technical Registration

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9 Consent Agreement and Order, No. P21-010 accepted this 11 day of JUNE, 2021.

10   
11 Adam Huff, Respondent

12  
13 ORIGINAL filed this 22nd day of  
14 June, 2021, with:

15 Arizona State Board of Technical Registration  
16 1110 W. Washington, Suite 240  
17 Phoenix, AZ 85007

18 COPY of the foregoing mailed via Certified Mail  
19 No. 9214890194344600082875 and  
20 First Class mail this 22nd day of June, 2021, to:

21 Adam Huff  
22 Epic Engineering  
23 50 East 100 South  
24 Heber City, Utah 84032

25 By:   
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